

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

DAVID A. SPOONER,

Plaintiff

vs.

**MOLEX, INC. d/b/a CENTRAL
RUBBER COMPANY,**

Defendant.

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CASE NO. 2016 CV

COMPLAINT

NOW COMES, the Plaintiff, DAVID A. SPOONER, by and through his attorney, Rene Hernandez of the Law Office of Rene Hernandez, P.C., and bringing forth his Complaint against the Defendant, MOLEX, INC. d/b/a CENTRAL RUBBER COMPANY and states as follows:

1. Plaintiff, David A. Spooner, resides in Belvidere, Illinois and is a resident of Boone County.
2. Defendant, Molex, Inc. is a foreign corporation (BCA) registered in the State of Delaware.
3. This Court has jurisdiction of this matter through ADEA, 29 U.S.C § 621 et al, as amended, ADA, 42 U.S.C. § 12101 et seq. as amended, 28 USC § 1331, 1367 and 1391 and the Illinois Human Rights Act.
4. On December 6, 2013, the Plaintiff filed a charge of discrimination based on age and disability against the Defendant, Molex, Inc., d/b/a Central Rubber Company with the Equal Employment Opportunity Commission-EEOC, attached hereto as Exhibit A. On April 6, 2015 the EEOC made a Determination for the Plaintiff finding there was reasonable cause to believe the Defendant discriminated against David Spooner. Efforts

to conciliate were unsuccessful. On June 29, 2016 the EEOC issued a Right To Sue Letter attached hereto as Exhibit B.

COUNT I

5. Plaintiff, whose age is now 61, was employed as a Pressman by the Defendant since September 21, 1979.
6. Plaintiff has at all times relevant to this complaint performed his job duties in at least in a satisfactory manner.
7. During the course of Plaintiff's employment he was subjected to different terms and conditions of employment in that younger employees were treated better and allowed more time off from work without termination.
8. On September 27, 2013 the Defendant wrongfully terminated the Plaintiff because of his age.
9. Younger employees who had committed more severe and worse infractions were not terminated.
10. The Defendant, Molex, Inc. developed and maintained progressive discipline policies which were not followed.
11. The Plaintiff has been subjected to discrimination in the workplace based upon his Age- in violation ADEA-Age Discrimination in Employment Act of 1967.
12. The Plaintiff has suffered injury and is entitled to just and adequate compensations for his injuries.
13. The Defendants actions were willful and done with reckless disregard to Plaintiff's civil rights so as to warrant punitive damages.

WHEREFORE, the Plaintiff DAVID A. SPOONER prays the Honorable Court find in his favor, entering judgment against Defendant, MOLEX, INC. in excess of one hundred thousand (\$100,000.00) dollars for actual and compensatory damages, punitive damages, attorney fees, costs, and any and all relief deemed proper by this Court.

COUNT II

14. The Plaintiff restates and realleges paragraphs 1 through 13 as though fully set forth here.
15. The Plaintiff during his employment with the Defendant was an American with a Disability.
16. At all times relevant, the Defendant knew about Plaintiff's disability.
17. At all times relevant the Plaintiff performed in at least a satisfactory manner.
18. During Plaintiff's employment with the Defendant, he had requested reasonable accommodations be granted to him. The Defendant failed to provide any accommodation.
19. During the course of Plaintiff's employment he was subjected to different terms and conditions of employment than non-disabled employees in that non-disabled employees were treated better and allowed more time off of work without termination.
20. Defendant failed to provide any accommodation.
21. Non-disabled employees with more severe and worse infractions were not terminated.
22. The Defendant developed and maintained progressive discipline policies which were not followed.
23. The Plaintiff has been subjected to discrimination in the workplace based upon his disability in violation of the ADA of 1990, as amended.
24. The Plaintiff suffered injury and is entitled to just and adequate compensation for his injuries.

25. The Defendant's actions were willful and done with reckless disregard to Plaintiff's civil rights so as to warrant punitive damages.

WHEREFORE, the Plaintiff DAVID A. SPOONER prays the Honorable Court find in his favor, entering judgment against Defendant, MOLEX, INC. in excess of one hundred thousand (\$100,000.00) dollars for actual and compensatory damages, punitive damages, attorney fees, costs, and any and all relief deemed proper by this Court.

Respectfully Submitted,
DAVID A SPOONER, Plaintiff

By: /s/ Rene Hernandez
Rene Hernandez, Attorney for Plaintiff
Law Office of Rene Hernandez, P.C.
1625 East State Street
Rockford, Illinois 61104
Telephone: (815) 387-0261

PLAINTIFF DEMANDS TRIAL BY JURY

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 440-2014-00803 </div> </div>	
Illinois Department Of Human Rights and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) David A. Spooner		Home Phone (Incl. Area Code) (815) 544-4006	Date of Birth 01-16-1955
Street Address City, State and ZIP Code 312 W. Menomonie St., Belvidere, IL 61008			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name MOLEX, INC. D/B/A CENTRAL RUBBER COMPANY		No. Employees, Members 500 or More	Phone No. (Include Area Code) (815) 544-2191
Street Address City, State and ZIP Code 844 E Jackson St, Belvidere, IL 61008			
Name 		No. Employees, Members 	Phone No. (Include Area Code)
Street Address City, State and ZIP Code 			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		<div style="text-align: center;"> RECEIVED EEOC DEC 06 2013 CHICAGO DISTRICT OFFICE </div> DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <div style="text-align: right;"> 09-27-2013 </div> <div style="margin-top: 10px;"> <input type="checkbox"/> CONTINUING ACTION </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I began working for Respondent on or around September 21, 1979. My most recent position was Pressman. Respondent was aware of my disability. I requested a reasonable accommodation, which Respondent did not provide. On or around September 27, 2013, I was discharged.</p> <p>I believe that I have been discriminated against because of my age, 58 (D.O.B. January 16, 1955), in violation of the Age Discrimination in Employment Act of 1967, as amended. I also believe that I have been discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY -- When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
x 12-5-13 x <u>David A. Spooner</u> Date Charging Party Signature			

EX. A

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (CONCILIATION FAILURE)

To: David A. Spooner
c/o Rene Hernandez, Esq.
Law Offices of Rene Hernandez
1625 E. State St.
Rockford, IL 61104

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
440-2014-00803	Brandi Kraft, Investigator	(312) 869-8153

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

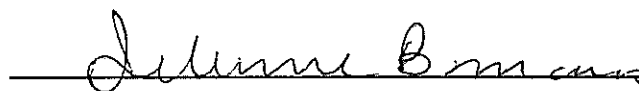
Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)



Julianne Bowman,
District Director

6-29-16

(Date Mailed)

cc:

MOLEX, INC. D/B/A CENTRAL RUBBER COMPANY
c/o Catherine LaChappell
4111 E. 37th St. N.
Wichita, KS 67220

EX. B